

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

	X	
	:	
BARROW INDUSTRIES, INC.,	:	
	:	
Plaintiff,	:	
	:	03 Civ. 12240 (REK)
-against-	:	
	:	
J.C. PENNEY COMPANY, INC. and	:	
VICTORIA CLASSICS,	:	
	:	
Defendants.	:	
	:	
	X	

**ASSENTED TO MOTION TO WITHDRAW REQUEST FOR DEFAULT AND
FOR LEAVE TO FILE ANSWER LATE**

NOW come the Defendants J.C. Penney Company, Inc. and Textiles From Europe, Inc. d/b/a Victoria Classics and move this Court, with the assent of the Plaintiff, to withdraw Plaintiff's request for default and allow the Defendants to file their Answer late. In support of this motion, Defendants state the following:

1. On March 25, 2004, Plaintiff's counsel sent a letter to the Clerk of this Court requesting the entry of default pursuant to Fed. R. Civ. P. 55(a).
2. The Defendants did not previously file an Answer because the parties were involved in good faith settlement discussions.
3. Plaintiff's and Defendants' counsel have conferred and Plaintiff's counsel has agreed to withdraw the Plaintiff's request for default and to assent to the Defendants filing their Answer late.

WHEREFORE, for the reasons stated herein, the Defendants pray this Court to allow this motion.

Respectfully submitted by,
DEFENDANTS TEXTILES FROM
EUROPE, INC. D/B/A VICTORIA
CLASSICS AND J.C. PENNEY
COMPANY, INC.,

By: s/James Ponsetto
James P. Ponsetto (BBO# 556114)
GREENBERG TRAURIG, LLP
One International Place
Boston, MA 02110
(617) 310-6000

Dated: April 1, 2004

ASSENTED TO BY PLAINTIFF'S COUNSEL,

S/I. Stephen Samuels
I. Stephen Samuels (BBO # 440200)
Samuels, Gauthier & Stevens LLP
225 Franklin Street, Suite 3300
Boston, MA 02110
(617) 426-9180

RULE 7.1 CERTIFICATION

Counsel for the Defendants and the Plaintiff have conferred and Plaintiff's counsel assents to the filing of above entitled motion and to the relief sought thereby.

S/James P. Ponsetto

CERTIFICATE OF SERVICE

I, James Ponsetto, counsel for defendants, hereby certify that a true and correct copy of the foregoing was served by first-class mail, postage prepaid, on plaintiff's counsel this ____ day of March 2004 as follows:

I. Stephen Samuels
Samuels, Gauthier & Stevens LLP
225 Franklin Street, Suite 3300
Boston, MA 02110

s/James P. Ponsetto
James P. Ponsetto (BBO# 556114)
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